

# Notice of Allowability

Application No.

09/581,397

Examiner

David Lukton

Applicant(s)

SUNDSTROM ET AL.

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/27/04.
2. ☒ The allowed claim(s) is/are 2-4, 8-16 and 25.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20040501.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
CHRISTOPHER S. F. LOW  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

Claims 1-24 remain pending. Claims 3, 4, 9-16, previously withdrawn, have now been examined. Upon reconsideration, claims 2-4, 8-16 and 25 are now deemed to be allowable.

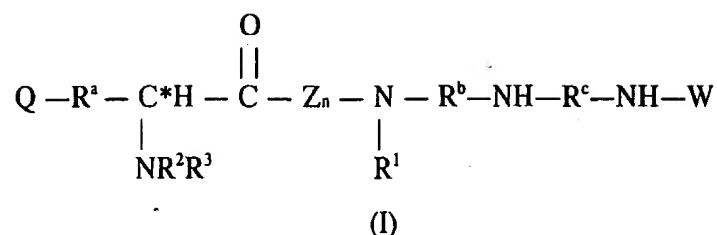


An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

- Cancel claims 1, 5-7 and 17-24.
- In claim 2, line 1, delete "Claim 1",  
and substitute therefor - - Claim 25 - - .
- In claim 3, line 1, delete "Claim 1",  
and substitute therefor - - Claim 25 - - .
- In claim 4, line 1, delete "Claim 1",  
and substitute therefor - - Claim 25 - - .
- In claim 8, line 1, delete "Claim 1",  
and substitute therefor - - Claim 25 - - .
- In claim 9, line 1, delete "Claim 1",  
and substitute therefor - - Claim 25 - - .

- In claim 10, line 1, delete “Claim 1”,  
and substitute therefor - - Claim 25 - - .
- In claim 11, line 1, delete “Claim 1”,  
and substitute therefor - - Claim 25 - - .
- In claim 12, line 1, delete “Claim 1”,  
and substitute therefor - - Claim 25 - - .
- In claim 13, line 1, delete “Claim 1”,  
and substitute therefor - - Claim 25 - - .
- In claim 14, line 1, delete “Claim 1”,  
and substitute therefor - - Claim 25 - - .
- In claim 15, line 1, delete “Claim 1”,  
and substitute therefor - - Claim 25 - - .
- In claim 16, line 1, delete “Claim 1”,  
and substitute therefor - - Claim 25 - - .
- Add the following claim:

25. A substantially pure compound having less than 1% contaminants and having the formula I



wherein:

Q represents an amidino group, a cyano group or a group of formula XYN-, where

X and Y are the same or different, and each may represent a hydrogen atom, a lower alkyl group, or hetero-atom containing group or, together with the nitrogen atom to which they are attached, form a nitrogen-containing heterocyclic group;

R<sup>a</sup> represents a straight or branched chain alkylene or alkenylene group having from 1 to 6 carbon atoms and each optionally being substituted by from 1 to 4 alkyl groups each having from 1 to 3 carbon atoms;

R<sup>b</sup> and R<sup>c</sup> represents an alkylene or alkylene group having 3 or 4 carbon atoms in a straight chain, each being optionally substituted by a 1 or 2 alkyl groups each having from 1 to 3 carbon atoms, the total number of carbon atoms in said straight chains of R<sup>b</sup> and R<sup>c</sup> being 7;

R<sup>2</sup> and R<sup>3</sup> are the same as or different from each other and each represents a hydrogen atom, or a group of formula R, RCO-, ROCO-, or RNHCO-, where

R represents a lower alkyl group or an aryl group, said alkyl or aryl group being optionally substituted by one or more of the substituents  $\alpha$ , defined below;

the chiral carbon atom indicated by the asterisk is in the L configuration;

Z is an aromatic amino acid residue;

n is 0 or 1;

R<sup>1</sup> represents a hydrogen atom or a lower alkyl group or an aryl group, said alkyl or aryl group being optionally substituted by one or more of the substituents  $\alpha$ , defined below;

W represents a hydrogen atom or an alkyl or aryl group; and

substituents  $\alpha$  are selected from: halogen atoms, amino groups, alkylamino groups, dialkylamino groups, cyano groups, hydroxy groups, alkyl groups (except when the substituted group is alkyl), aryl groups, carbamoyl groups, alkylcarbamoyl groups, dialkylcarbamoyl groups and carboxy groups and esters thereof;

and pharmaceutically acceptable salts thereof.

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Authorization for this Examiner's Amendment was given in a telephone conversation with Gunther Evanina on 5/11/04.

In addition to the foregoing, insert the following on page 1 of the specification, on the line of text following the title:

-- This application is a 371 of PCT/GB98/03775, filed 12/16/98 which claims priority to GB 9726569.8, filed 12/16/1997. --

◇

*D. Lukton 5/14/04*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 571-272-0952. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached at 571-272-0951. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

*Christopher S. F. Low*  
CHRISTOPHER S. F. LOW  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1800